

County Counsel

Anthony J. La Bouff, County Counsel

MISSION STATEMENT

To provide high-quality legal advice, representation and counsel to the Board of Supervisors, county officers and departments, various boards and commissions, and special districts in order to assist those making decisions for the public good and to vigorously represent the County in litigation.

COUNTY COUNSEL FUND 100 / APPROPRIATION 10450

| | Actual 2002-03 | Budget 2003-04 | Requested 2004-05 | Recommended 2004-05 | Change % | Adopted 2004-05 |
|--------------------------------|---------------------|---------------------|----------------------|------------------------|-------------|--------------------|
| Expenditures | | | | | | |
| Salaries and Employee Benefits | \$ 1,939,232 | \$ 2,442,598 | \$ 2,543,413 | \$ 2,543,413 | 4% | \$ - |
| Services and Supplies | 250,411 | 419,750 | 492,596 | 492,596 | 17% | - |
| Intra Fund Charges | 530 | 1,523 | 500 | 500 | -67% | - |
| Gross Budget: | <u>2,190,173</u> | <u>2,863,871</u> | <u>3,036,509</u> | <u>3,036,509</u> | 6% | - |
| Intra Fund Credits | (673,900) | (821,280) | (989,632) | (861,634) | 5% | - |
| Net Budget: | <u>\$ 1,516,273</u> | <u>\$ 2,042,591</u> | <u>\$ 2,046,877</u> | <u>\$ 2,174,875</u> | 6% | <u>\$ -</u> |
| Revenue | | | | | | |
| Charges for Services | \$ 678,533 | \$ 542,630 | \$ 611,509 | \$ 611,510 | 13% | \$ - |
| Miscellaneous Revenue | 2,871 | - | - | - | 0% | - |
| Total Revenue: | <u>681,404</u> | <u>542,630</u> | <u>611,509</u> | <u>611,510</u> | 13% | - |
| Net County Cost: | <u>\$ 834,869</u> | <u>\$ 1,499,961</u> | <u>\$ 1,435,368</u> | <u>\$ 1,563,365</u> | 4% | <u>\$ -</u> |
| Allocated Positions | 22 | 22 | 22 | 22 | 0% | - |

CORE FUNCTIONS

County Counsel Services

Provides legal advice to the Board of Supervisors, county officers and departments, various boards and commissions, and special districts by attending and participating in meetings and hearings, by responding to questions with legal opinions both orally and in writing, by reviewing contracts and other documents required for county business, and by assisting in the preparation of resolutions and ordinances.

The office provides effective legal counsel and advocacy in representing the County in litigation including tort, contract and writ actions, as well as child and adult protective services, mental health, public guardian and public administrator matters.

FY 2003-04 Major Accomplishments

- Counseled the Personnel Department and the County Executive Office in the development of county processes for addressing the Americans with Disabilities Act (ADA) and other workplace issues to ensure compliance with applicable federal and state law.
- Participated in the implementation of the Placer Legacy Program, preparation of a proposed Habitat Conservation Plan and Natural Communities Conservation Plan (HCP/NCCP), and assisted in various activities for the acquisition of open space and conservation easements, including the closing of the County's acquisition of the Spears Ranch.

Administration & Financial Services

County Counsel

Anthony J. La Bouff, County Counsel

- Assisted the County Executive Office, the Auditor-Controller and the Facility Services Department in addressing issues related to the Trial Court Funding Act and the Trial Court Facilities Act, including the collection and distribution of court and county fees and preparation for the anticipated transfer of county court facilities,
- Assisted the Department of Public Works in various agreements necessary for the Morgan Creek Project and its related Community Facilities District (CFD), and assisted the Planning Department in its preparation of Community Plans in Martis Valley, Foresthill, and the General Plan update of the housing element,
- Provided guidance and assistance to Health and Human Services to assist the department in the implementation of the federal Health Insurance Portability and Accountability Act (HIPAA) for compliance with the law, and Environmental Health on the update of its On-Site Sewage Ordinance.
- Assisted the Personnel Director and the County Executive Officer in labor-relation issues, disputes and negotiations by representing the County in grievance and disciplinary matters, and participating in negotiations with the Deputy Sheriff's Association and on behalf of the In-Home Supportive Services Public Authority.
- Represented the County and county employees in tort litigation, including obtaining a favorable judgment after a jury trial in *Sporea v. County* and summary dismissals in a number of cases brought against county law-enforcement departments over the enforcement of criminal laws.
- Defense of Board of Supervisors' decisions in a number of land use writ actions, and assisted in improvements to the administrative processes in planning and code enforcement, and participated in the drafting and implementation of a County Noise Ordinance.
- Assisted the Department of Facility Services on a number of legal issues involved with the planning and development of the DeWitt Master Plan, the Land Development Center, the Auburn Justice Center and the South Placer Justice Center, and with closing acquisitions in the Epperle and Motamedi transactions.
- Represented the Department of Health and Human Services in 384 new Child Protective Services proceedings and 612 ongoing dependency cases, as well as increasing numbers of public administrator and public guardian matters.

FY 2004-05 Planned Accomplishments

- Maintain the highest quality of services while providing timely responses to requests for legal services and effective representation to meet the County's changing needs.
- Continue to vigorously defend and prosecute actions on behalf of the County, its departments, officers and employees in tort, non-tort and social services litigation, and to increase training on legal issues.
- Assist in the further implementation of the HIPPA to assure privacy, security, confidentiality in county processes, and refine protocols and continue training for county employees.
- Develop a mechanism for coordination of land use issues so that legal advice can be provided at the earliest opportunity.
- Assist in the preparation of a habitat conservation plan and a natural communities conservation plan and in the development of the governing structure and funding mechanism for the Placer Legacy Program.
- Expand training on Brown Act and Public Records Act to Placer County staff, special districts and the Grand Jury.
- Increase the frequency on ongoing training of social workers and have attorneys meet with social-worker teams on a quarterly basis to resolve issues before court intervention.
- Purchase and implement a case-management system to improve both the efficiency and the accountability of legal services provided by the department.

County Counsel

Anthony J. La Bouff, County Counsel

Department Comments

The legal environment in which we practice has become more complex with the passing of each fiscal year. The mandates of statutory law and the interpretation of those laws by the Courts have dramatically increased over the past 10 years. We expect this trend to continue into the future. The greatest challenge that we face is in continuing to improve the efficiency of our services so that we can meet our responsibilities within the constraints of the budget, particularly in difficult budget years. We continue to believe that the legal services provided by our office are of the highest quality and delivered on a much more cost effective basis than legal services available through outside providers.

County Executive Comments And Recommendations

The recommended net budget represents a modest increase over the previous year even with recommended increases in reimbursements from the General Liability Fund (for tort-related litigation services), from the Health and Human Services budget (children and adult services, social services, and administration) and from other general fund customer departments including Facility Services and Public Works. Counsel is also exploring possibilities to gain some level of reimbursement from bail bond system administration activities. Not included in the recommended budget, due to countywide budget constraints, is County Counsel's request for additional reimbursements to reflect the actual level of service and costs to its client departments. All allocated positions of the department are fully funded and occupied, and recommended expenditures for salaries and benefits and for operating supplies and equipment are sufficient to maintain current service levels.

CORE FUNCTION: COUNTY COUNSEL

Advisory Legal Services Program

Program Purpose: To provide timely and accurate legal advice to the Board of Supervisors, the County Executive Office, county boards and commissions, county officers and departments and special districts in response to oral and written requests in order to assist those making decisions for the public good.

Total Expenditures: \$1,504,452

Total Staffing: 10.9

- **Key Intended Outcome:** County departments, officer and employees are provided timely and effective legal advice to support the County's decision-making.

| Advisory Legal Services Indicators: | Actual 2002-03 | Projected 2003-04 | Target 2004-05 |
|---|-------------------|----------------------|-------------------|
| # of hours of legal services for the Land Use Services System | 3,248 | 3,248 | 3,628 |
| # of hours of legal services for the Health and Human Support Services System | 1,530 | 1,530 | 1,824 |
| # of hours of legal services for the Public Protection Services System | 940 | 940 | 664 |
| # of hours of legal services for the Administration and Financial Services System | 2,872 | 2,872 | 3,616 |
| # of hours of legal services for the Community and Cultural Services System | 850 | 850 | 1,248 |
| % of clients who rate quality and timeliness of services provided as excellent | N/A | 85% | 95% |

Administration & Financial Services

County Counsel

Anthony J. La Bouff, County Counsel

Program Comments: The County continues to experience growing demand for legal services in area of land use and development. This increasing demand is expected for the foreseeable future, particularly in light of the development activities in South Placer County. It will be a challenge to meet these needs without a corresponding increase in resources.

Litigation Program

Program Purpose: To provide effective legal counsel to county agencies and employees, in tort, contract and writ actions and in child and adult protective services, mental health, public guardian and public administrator matters, in order to provide successful defense of actions that minimize settlements amounts and judgments, successful prosecution of actions to recover county funds or enforce county ordinances and effective advocacy to protect children and vulnerable adults.

Total Expenditures: \$1,532,057

Total Staffing: 11.1

- **Key Intended Outcome:** Successful defense of actions that minimize settlement amounts and judgments, and successful prosecution of actions to recover county funds or enforce county ordinances and the protection of children and vulnerable adults.

| Litigation Indicators: | Actual 2002-03 | Projected 2003-04 | Target 2004-05 |
|--|-------------------|----------------------|-------------------|
| # of tort cases | 51 | 51 | 49 |
| # of non-tort cases | 41 | 41 | 47 |
| # of bail bond cases | N/A | N/A | 120 |
| # of new child-protection services non-court cases | 384 | 384 | 192 |
| # of ongoing child-protection services court cases | 612 | 612 | 460 |
| # of conservatorship/public guardian cases (monthly) | 181 | 181 | 167 |
| # of public-administrator cases | 60 | 60 | 51 |
| % of client who rate quality and effectiveness of services provided as excellent | N/A | 85% | 95% |

Program Comments: The number of non tort cases continues to increase, particularly land use writ actions. While many of these cases are handled by developers' counsel pursuant to indemnity agreements, county projects are increasingly the subject of litigation. County also continues to experience increasing caseloads in child protection services cases. In addition, the increasing workload in public administrator matters has been absorbed by this office. It will be challenging to meet these increasing demands without additional resources.